IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

RPFC.No. 53 of 2007(E)

MC.147/2004 OF THE FAMILY COURT, KOLLAM
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REVISION PETITIONER/COUNTER /COUNTER PETITIONER:

BABURAJAN PILLAI, S/O.VASUDEVAN PILLAI,
PUTHENVEEDU VILA, PUNAVUR,
POOTHAKULAM, PARAVUR, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. RAGINI, W/O.BABURAJAN PILLAI,
KUNNICHILAZHIKATHU VEEDU,
POZHIKKARA, PARAVUR, KOLLAM.

2. RAJI (MINOR) REPRESENTED BY THE
MOTHER AND GUARDIAN, RAGINI,
KUNNICHILAZHIKATHU VEEDU, POZHIKKARA,
PARAVUR, KOLLAM.

3. BHAVANA R. (MINOR), REPRESENTED
BY THE MOTHER AND GUARDIAN, RAGINI,
KUNNICHILAZHIKATHU VEEDU,
POZHIKKARA, PARAVUR, KOLLAM.

4. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR AMJAD ALI FOR R4
SMT.T.S.MAYA (THIYADIL)
SMT.K.REENA

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

RP(FC) No.53 OF 2007

Dated 20th day of February, 2007

ORDER

The revision petitioner is the respondent in M.C 147/2004 of the Family Court, Kollam. First respondent has also filed O.S. No. 27/03 as well as O.S. 290/2004 before the Family Court, Kollam. Subsequent to the judgment in M.C. 147/2004, a compromise agreement was entered into between the parties on 13.10.2005. It is specified therein that she shall reside with the petitioner/respondent and continue to have the marital relationship and that there will be no litigations between the parties. It is also mentioned therein that certain amounts have been deposited as fixed deposits and the receipts have been entrusted with the respondent/petitioner in M.C. O.S.27/2004 was disposed of in terms of the above compromise. It is mentioned in the present petition that the revision petitioner has filed C.M.P. No.492/2006 to set aside the ex parte order and also to condone the delay.

2. In the circumstances and in view of the compromise subsequently entered in between the parties, the order in MC

147/2004 dated 25.2.2005 cannot be sustained. The above order is set a side. The court below is directed to consider C.M.P. No.492/2006 at the earliest and dispose of the same on merits. The above C.M.P. shall be disposed of within three months from the date of receipt of a copy of this judgment.

The RP (FC) is disposed of as above.

K.R.UDAYABHANU,JUDGE.

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